

AGENDA
MANSFIELD PLANNING AND ZONING COMMISSION
Regular Meeting, Monday, March 1, 2010, 7:30 p.m.
Or upon completion of Inland Wetland Agency Meeting
Council Chambers, Audrey P. Beck Municipal Building

Minutes

2/16/10

Scheduled Business

Zoning Agent's Report

- A. Monthly Activity
- B. Enforcement Update
- C. Hall Property Old Mansfield Hollow Rd; DeBoer Property, Storrs Rd
- D. Other

Old Business

- 1. **Special Permit Application, Proposed Fitness Center at the Eastbrook Mall, 95 Storrs Rd, Cardio Express LLC., applicant, File # 1290 (M.A.D. 4/22/10)**
- 2. **Special Permit Application, Proposed Sale of Alcoholic Liquor at Jack Rabbit's Restaurant, 1244 Storrs Road, File #1291 (M.A.D. 4/22/10)**
- 3. **Potential Re-Zoning of the "Industrial Park" zone on Pleasant Valley Rd and Mansfield Ave.**
Memo from Director of Planning
- 4. **Verbal feedback from Town Planner Re: Draft Revision on Definition of Family; Proposed Parking Ordinance for Residential Rental Properties; and Student/Tenant Registry Ordinance**
- 5. **Other**

New Business

- 1. **8-24 Referral-Potential Town Acquisition of Land on Birchwood Heights Rd.**
Memo from Director of Planning
- 2. **Proposed Drainage Improvements, Juniper Hill Apartments File #627**
Memo from Director of Planning
- 3. **2/22/10 Letter from Open Space Preservation Committee Re: Preliminary Site Analysis for Proposed Subdivisions**
- 4. **Other**

Reports from Officers and Committees

- 1. Chairman's Report
- 2. Regional Planning Commission
- 3. Regulatory Review Committee-meeting scheduled for Tuesday, 3/2/10 at 2p.m.
- 4. Other

Communications and Bills

- 1. Town Council Budget Review Calendar
- 2. 1/22/10 Memo from 4 Corners Water/Sewer Design Guidelines Subcommittee
- 3. Letters to Town Council from D. Morse and T. Nielson Re: Regulating Occupancy of Single Family Homes
- 4. Letter to Town Council from C. Stites re: Political Signs on Public Property
- 5. Winter 2010 CFPZA Newsletter
- 6. Other

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DRAFT MINUTES

MANSFIELD PLANNING AND ZONING COMMISSION

Regular Meeting, Tuesday, February 16, 2010

Council Chamber, Audrey P. Beck Municipal Building

Members present: R. Favretti (Chairman), M. Beal, J. Goodwin, R. Hall, K. Holt, G. Lewis, P. Plante, B. Ryan
Members absent: B. Pociask
Alternates present: F. Loxsom (7:09 p.m.), V. Stearns
Alternates absent: K. Rawn
Staff Present: Gregory Padick (Director of Planning)

Chairman Favretti called the meeting to order at 7:01 p.m. Alternate Stearns was appointed to act in Pociask's absence.

Minutes:

2/1/10-Plante MOVED, Hall seconded, to approve the 2/1/10 minutes as written. MOTION PASSED with all in favor except Ryan who disqualified herself.

Zoning Agent's Report:

Padick reported in Hirsch's absence. Hirsch has sent notices to seven contractors he believes are operating home occupations and noted that only three have responded and filed applications which are currently under review. Hirsch's memo on interior illuminated window signs was referenced. Holt stated that the operation of neon signs in windows is usually tied to open hours of the business. She requested that Hirsch review the approval conditions of recent businesses to ensure that this condition is being followed. Chairman Favretti suggested the matter of indoor illuminated signs be added to the agenda for the next Regulatory Review Committee meeting.

Public Hearing:

Special Permit Application, Proposed Fitness Center at the Eastbrook Mall, 95 Storrs Rd, Cardio Express LLC., applicant, File # 1290

Chairman Favretti opened the continued Public Hearing at 7:07 p.m. Members present were Favretti, Beal, Goodwin, Hall, Holt, Lewis, Plante, Ryan, and alternates Loxsom and Stearns. Alternate Stearns was appointed to act. Gregory Padick, Director of Planning noted a communication received from E. Wassmundt, dated 2-16-10 and distributed to the Commission this evening.

Peter Rasconi, President of Cardio Express, submitted neighborhood notification receipts. Rasconi stated that the opportunity has arisen to utilize the adjoining vacant store which will open the floor space by 2,000-2,600 square feet. He would not increase the amount of equipment, but the increase in square footage would allow more space between workout machines resulting in a more spacious and attractive environment.

Plante questioned Padick if a revised plan should be required for this change. Padick responded that it is the PZC's discretion, but with no additional equipment being proposed, a plan is not necessary.

Noting no further comments or questions from the audience or the Commission, Plante MOVED, Beal seconded, to close the Public Hearing at 7:13 p.m. MOTION PASSED UNANIMOUSLY.

Old Business:

2. Proposed Revision to Article X, Section C regarding Political Signs

Padick referenced his 2-9-10 memo and the revised draft to Article X, Section C, regarding Political Signs which now includes the prohibition of Political Signs on public property.

Public Hearing:

Special Permit Application, Proposed Sale of Alcoholic Liquor at Jack Rabbit's Restaurant, 1244 Storrs Road, File #1291

Chairman Favretti opened the public hearing at 7:15 p.m. Members present were Favretti, Beal, Goodwin, Hall, Holt, Lewis, Plante, Ryan, and alternates Loxsom and Stearns. Alternate Stearns was appointed to act. Gregory Padick, Director of Planning read the legal notice as it appeared in the Chronicle on 2/3/10 and 2/9/10. Padick noted the following communication received and distributed to the Commission: a letter received on 2-9-10 by M. Taylor, Managing Member of Storrs Associates, LLC, who owns the building; and a 2-9-10 memo from G. Padick, Director of Planning.

John Mellitz, Attorney, representing the applicant, and Jack Flaws, Managing Member of Jack Rabbit's Restaurant, were present. Mellitz submitted returned neighborhood notification receipts. He explained that the wine and beer service is complementary to the food service, and no alcohol will be served unless food is purchased. He stated their intention is not to use the facility as a bar. There will be neither television sets nor bar seating, in order to discourage and avoid lingering. All food and beverages will be ordered at the counter and served to the patrons at their tables.

Lewis expressed concern for long lines in the small ordering space should the restaurant become popular. Flaws responded that if that occurs, the plan will be re-evaluated.

Plante expressed concern with serving alcohol in close proximity to the High School and suggested that this matter be added to the next Regulatory Review agenda.

Noting no further comments or questions from the audience or the Commission, Hall MOVED, Plante seconded, to close the public hearing at 7:26 p.m. MOTION PASSED UNANIMOUSLY.

Old Business, continued:

1. Potential Re-Zoning of the "Industrial Park" zone on Pleasant Valley Rd and Mansfield Ave.

Padick reviewed the changes he made to the 10-15-09 draft. There were concerns raised by the Commission regarding retail sales of used vehicles, and the potential for tall towers that might be associated with radio, T.V. uses. By consensus the Commission agreed to eliminate a provision to allow warehouse storage and to remove from Item 14B the wording "other Mansfield Representatives."

3. Draft Policy on Transparency and Open Government

The consensus of the Commission was to forward Padick's report to the Town Council Sub-Committee and request they revisit the issues raised therein and also refine the report further.

4. Verbal feedback from Town Planner Re: Proposed Parking Ordinance for Residential Rental Properties and Student/Tenant Registry Ordinance

Padick updated the Commission on the proposed Parking Ordinance that has been referred to a Town Council Sub-Committee, and the tenant registry ordinance is currently being reviewed by the Community Quality of Life Committee.

New Business:

1. Review of February Draft Revision on Definition of Family

Padick updated the Commission on the draft revision defining "family" that is currently being discussed by the Community Quality of Life Committee. He stated that ultimately this definition will be presented to the PZC for approval and regulation.

2. Connecticut Siting Council Application for a Verizon Telecommunication Town in Willington off of Daleville Road

Padick summarized the application and noted no significant impact to Mansfield, and therefore requiring no comments.

Reports of Officers and Committees:

Chairman Favretti discussed the Lifetime Achievement and Length of Service Awards from the Connecticut Federation of Planning and Zoning Agencies. It was the consensus of the Commission to nominate Gregory Padick, Director of Planning, for the Lifetime Achievement Award, and Kay Holt and former PZC Member Betty Gardner for the Length of Service Award.

Peter Plante requested that a Regulatory Review Committee meeting be scheduled in the near future.

Communications and Bills:

Noted.

Adjournment:

Chairman Favretti declared the meeting adjourned at 8:52 p.m.

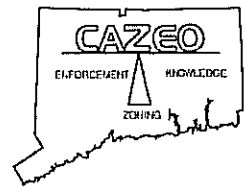
Respectfully submitted,

Katherine Holt, Secretary

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Town of Mansfield



CURT B. HIRSCH
ZONING AGENT
HIRSCHCB@MANSFIELDDCT.ORG

AUDREY P. BECK BUILDING
4 SOUTH EAGLEVILLE ROAD
MANSFIELD, CT 06268-2599
(860) 429-3341

Memo to: Planning and Zoning Commission
From: Curt Hirsch, Zoning Agent
Date: February 25, 2010

MONTHLY ACTIVITY for February - 2010

ZONING PERMITS

<u>Name</u>	<u>Address</u>	<u>Purpose</u>
Khoda	21 Old Schoolhouse Rd.	carport
Mansfield General Store	534 Storrs Rd.	limited live music
Center for Youth/Families	1556 Storrs Rd.	8 X 12 shed
Thistlesprings Farm	35 mansfield Hollow Rd.	Home Occupation -- contractor
Shaw	17 Stafford Rd.	Home Occupaton -- contractor
Storrs	264 Clover Mill Rd.	22 x 24 shed
Earth Dynamics	85 Coventry Rd.	Home Occupation -- contractor
Logie	94 beacon Hill Rd.	19 x 14 shed
Connor/Matunas	Wormwood Hill Rd.	1 fm dw

CERTIFICATES OF COMPLIANCE

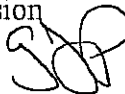
Weingart	23 Buckingham Rd.	shed
Incredible Burgers & Dogs	134 N. Eagleville Rd.	food service use
Khoda	21 Old Schoolhouse Rd.	carport
Center for Youth/Families	1556 Storrs Rd.	shed
St. Marks Chapel	42 N. Eagleville Rd.	enlarge parking area
Storrs Cong. Church	2 N. Eagleville Rd.	building addition
Storrs	264 Clover Mill Rd.	shed
Logie	94 Beacon Hill Rd.	shed

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TOWN OF MANSFIELD
OFFICE OF PLANNING AND DEVELOPMENT

GREGORY J. PADICK, DIRECTOR OF PLANNING

Memo to: Mansfield Planning and Zoning Commission
From: Gregory Padick, Director of Planning
Date: 2/25/10
Re: Proposed Rezoning of the "Industrial Park" zone



Please find attached a revised draft for Zoning and Regulation revisions affecting land south of Pleasant Valley Road, west of Mansfield City Road and along Mansfield Avenue. The revised draft attempts to reflect discussion at the last meeting. The following changes have been made to the marked up draft discussed on 2/16/10:

1. In Item #5 the draft permitted uses for a new PVCA Zone has deleted "warehousing and storage" as a permitted use in Section 3b but accessory storage and warehousing has been added as an accessory use in Section 3i; communication towers and other structures that exceed maximum height provisions has been added as an exclusion in Section 3.f.
2. New Sections have been added in Item 14 (PVRA) and Item 15 (PVCA) to incorporate Design Criteria (same wording in both sections).

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February 25, 2010 Draft

Proposed Revisions to Mansfield's Zoning Map and Zoning Regulations

(New provisions are underlined or otherwise indicated)

(Deletions are bracketed or otherwise indicated)

(Explanatory Notes are provided to assist with an understanding of the proposed revisions. These notes are not part of the proposed zoning revisions.)

A. Proposed Zoning Map revisions (depicted on attached map):

1. Rezone land south of Pleasant Valley Road and east of the Flood Hazard Zone containing Conantville Brook from Industrial Park (IP) to a Pleasant Valley Residence/Agriculture (PVRA) zone classification;
2. Rezone land south of Pleasant Valley Road between Mansfield Avenue and the Flood Hazard Zone containing Conantville Brook from Industrial Park (IP) to a new Pleasant Valley Commercial/Agriculture (PVCA) zone classification;
3. Rezone all areas west of Mansfield Avenue that are zoned Industrial Park (IP) to a Rural Agricultural Residence-90 (RAR-90) zone classification.

Explanatory Note: These zone changes are designed to preserve significant areas of prime agricultural land, to protect important natural and scenic resources, to address potential health, safety and neighborhood compatibility issues and to address goals, objectives and recommendations contained in Mansfield's Plan of Conservation and Development.

B. Proposed Zoning Regulations revisions:

1. Revise Article II, Section A as follows:
 - a. Delete IP (Industrial Park zone) from the current listing of zones:
 - b. Add PVCA (Pleasant Valley Commercial/Agriculture zone) to the current listing of zones:

Explanatory Note: These revisions are associated with and tied to the proposed Zoning Map revisions listed in Item A above, and the fact that there is no existing Professional Office 2 zones.

2. Revise Article II, Section B as follows:
 - a. Delete IP Industrial Park from the current listing of "Design Development" Districts;
 - b. Add PVCA Pleasant Valley-Commercial/Agriculture zone to the current listing of "Design Development" Districts.

Explanatory Note: These revisions are associated with and tied to the proposed Zoning Map revisions listed in A above and the fact that there is no existing Professional Office 2 zones.

3. Revise Article VII, subsections A.2. and A.4 as follows:
 - a. Replace "Industrial Park" with "Pleasant Valley Commercial Agriculture" Zone in line 3 of subsection A.2.c
 - b. Replace "Industrial Park" with "Pleasant Valley Commercial Agriculture" Zone in lines 1 and 6 of subsection A.4

Explanatory Note: These revisions are associated and tied to the proposed Zoning Map revisions listed in A above.

4. Revise Article VII, Section K.1. to replace “and” with “and/or” in line 3.

Explanatory Note: This revision reflects the fact that the new area that is proposed to be rezoned from Industrial Park to Pleasant Valley Residence Agriculture historically did not authorize residential uses.

5. Delete Article VII, subsection U, “Uses Permitted in the Industrial Park Zone” in its entirety, add a new Article VII, Subsection U “Uses Permitted in the Pleasant Valley Commercial/Agriculture Zone” (land south of Pleasant Valley Road between Mansfield Avenue and the Flood Hazard Zone containing Conantville Brook) and, as necessary, revise zoning cross-references to subsections of Article VII.

The new Article VII, Subsection U shall read as follows:

U. Uses Permitted in the PVCA (Pleasant Valley Commercial/Agriculture Zone (Land south of Pleasant Valley Road and east of Mansfield Avenue)

1. Intent

The PVCA zone has been established with special provisions for a distinct area of Mansfield located south of Pleasant Valley Road between Mansfield Avenue and the Flood Hazard Zone containing Conantville Brook. This area has been zoned for decades for intensive industrial and commercial use, but it has remained primarily agricultural. This area is no longer considered appropriate for intensive industrial and commercial use due to access limitations, special agricultural, floodplain, wetland, and aquifer characteristics that warrant protection and preservation, site visibility and scenic character, neighboring agricultural and residential uses and other Plan of Conservation and Development goals, objectives and recommendations. Due primarily to the fact that this area is one of a very limited number in Mansfield that have access to public sewer and water systems, some lower intensity industrial and commercial uses are considered appropriate for portions of this district, but only if designed, constructed, and utilized in a manner compatible with Plan of Conservation and Development recommendations and neighboring land uses. Accordingly, the PVCA zone is subject to special provisions designed to preserve significant areas of prime agricultural land, to protect important natural and scenic resources, and to address other important regulatory objectives.

2. General

The uses listed below in Sections K3 and K4 and associated site improvements are permitted in the PVCA zone, provided:

- a. Any special requirements associated with a particular use are met;
- b. Except as noted below, all uses permitted in the PVCA zone shall be served by adequate public sewer and water supply systems. On a case-by-case basis the Planning and Zoning Commission shall have the right to authorize the use of onsite sanitary waste disposal and/or water supply systems for permitted uses provided it is documented to the Commission’s satisfaction that there is a low risk of aquifer contamination or other health, safety or environmental problems.
- c. Applicable provisions of Article X, Section A (Design Development Districts) and Article VI, Sections A and B (Performance Standards) are met: and

- d. With the exception of those uses included in K.4 below, special permit approval is obtained in accordance with the provisions of Article V, Section B for any of the activities delineated in Article VII, Section A.2.

Article VII, Sections A.3., A.4 and A.5 also include or reference provisions authorizing the Zoning Agent to approve certain changes in the use of existing structures or lots and authorizing the PZC Chairman and Zoning Agent to approve minor modifications of existing or approved site improvements. All changes in use in the PVCD zone require Planning and Zoning Commission approval in accordance with the provisions of Article VII, Section A.4.

3. Categories of Permitted Uses in the Pleasant Valley Commercial/Agriculture Zone Requiring Special Permit Approval as per the Provisions of Article V, Section B. and Applicable Provisions of Article X. Section A.

- a. Research and development laboratories and related facilities and the production, processing, assembly and distribution of prototype or specialized products which require a high degree of scientific input and on site technical supervision. Specialized products that may be authorized include but shall not be limited to the following: precision mechanical and electronic equipment; business machines; computer components; optical products; medical, dental and scientific supplies and apparatus; and precision instruments;

All genetic or bio-engineering research or development activities and the creation of biogenetic products are limited to those permitted in bio-safety level 1 and 2 (BL-1 and BL-2) laboratories as per the current "Guidelines" of the National Institutes of Health regarding research involving recombinant DNA molecules. The keeping and utilization of small animals for scientific purposes is authorized, provided the animals are kept in an enclosed portion of a building located on the subject lot or in areas specifically approved by the Planning and Zoning Commission;

- b. Commercial printing and reproduction services and the industrial production, processing, assembly and/or distribution of products not specified in Section 3a above, provided the nature, size and intensity of the proposed use complies with environmental, traffic safety, neighborhood impact and all other special permit approval criteria;
- c. Business and Professional Offices;
- d. Repair services for electronic and mechanical equipment, office equipment, home appliances, bicycles and recreational equipment and similar uses;
- e. Commercial recreation facilities, such as tennis clubs and physical fitness centers;
- f. Radio, television and other communication facilities but excluding communication towers or other structures that exceed the maximum height provisions for the PVCA zone;
- g. Veterinary hospitals and commercial kennels boarding or breeding two or more animals provided potential noise impacts are addressed in association with the required Special Permit application;
- h. Repair services for agricultural and commercial vehicles, machinery and equipment and automobile and truck repair services but auto salvage operations are not permitted;
- i. State licensed group daycare homes or state licensed childcare centers as defined by State Statutes;

- j. Permanent retail sales outlets for agricultural and horticultural products, provided all the standards and requirements of Article VII, Section G. 13 are met;
 - k. Other commercial agricultural operations (any agricultural or horticultural use that is not authorized by other provisions of these Regulations).
 - l. Accessory retail sales and accessory storage and warehousing for any permitted use authorized within Section 3.
4. Uses Which May be Authorized in the Pleasant Valley Commercial/Agriculture Zone by the Zoning Agent:
- a. Agricultural and horticultural uses such as the keeping of farm animals, field crops, orchards, greenhouses, accessory buildings, etc., provided the provisions of Article VII, Sections G.13 through G.15 are met;
 - b. Dwelling units for property owners, managers, caretakers, or security personnel associated with a permitted agricultural use provided all residential structures are located on the same lot as the agricultural use.
 - c. Accessory cafeterias or retail shops conducted primarily for the convenience of employees, provided the use is located within a building and there are no advertising or exterior displays.

Explanatory Note: These revisions are associated and tied to the proposed zoning map revisions listed in item A above. This section proposes new permitted use provisions consistent with the intent provisions for the PVCA zone.

6. Revise Article VIII, Section A, Schedule of Dimensional Requirements, as follows:

- a. Delete from the Schedule the existing row for the IP.
- b. Add in the Zone Column "PVCA" to the row containing PVRA (all existing provisions in this row also shall apply to the PVCA Zone). The revised rows shall read as follows:

ZONE	MINIMUM LOT AREA/ACRES	MINIMUM LOT FRONTAGE/FT	MIN. FRONT SETBACK LINE (IN FEET)	MIN. SIDE SETBACK LINE (IN FEET)	MIN. REAR SETBACK LINE (IN FEET)	MAXIMUM HEIGHT	MAXIMUM BUILDING GROUND COVERAGE
	See Notes (3) (4) (18)	See Notes (4)(6)(7)(13)(16)	See Notes (4)(8)(9)(15)(16) (17)	See Notes (4)(10)(11)(15)(16) (17)	See Note (4)(15)(16) (17)	See Note (14)	
PVRA PVCA see note 1	25 ACRES	200	See footnote 17	See footnote 17	See footnote 17	40	25%

- c. Revise existing foot note 13 on the Schedule of Dimensional Requirements to read as follows:

13. Lot frontage requirements for business and ~~[industrial]~~residential uses within specified ~~[business and industrial]~~ zones may be waived by the Planning and Zoning Commission for private roads, provided special permit approval is obtained (see Article VIII, Section B.3.d)

Explanatory Note: These revisions are associated and tied to the proposed zoning map revisions listed in item A above. The proposed 25 acre minimum lot size proposal is designed to help ensure that Plan of Conservation and Development recommendations, particularly those tied to agricultural land preservation, are not undermined by smaller, uncoordinated developments. Existing regulations would allow larger projects to be built in smaller phases.

7. Revise Article VIII, subsection B.3.a, B.3.b, B.3.c, and the first paragraph of B.3.d to read as follows:

3. [Business and Industrial Exceptions/]Special Dimensional Requirements

- a. **Setback from Residential Zones** - In the [IP and] RD/LI zone[s], a minimum setback of 150 feet is required between all new industrial or research buildings and residential zone boundary lines. This setback may be reduced by the Commission due to physical characteristics, the nature of proposed landscape and buffer plans or the character of existing land uses.
- b. **Lot Coverage** - Except as noted below, the total ground area coverage of buildings and parking areas in the [IP and] RD/LI Zone[s] shall not exceed 50 percent of the total lot area. Provided all other requirements of these Regulations are met, this coverage limit can be increased to 75 percent for projects directly associated with a program that permanently preserves large tracts of open space or agricultural land.
- c. **Gate Houses/Security Structures** - In the [IP and] RD/LI Zone[s], the Commission may reduce or waive front or side line setbacks for gatehouses and security structures other than residences.
- d. **Lots on Private Roads** - Provided the standards noted below are met and provided special permit approval is obtained in accordance with Article V, Section B, the Commission may allow lots to be created off of private roads [for business and industrial uses] in the following zones: B; PB-1, PB-2, PB-3, PB-4, PB-5, NB-1, NB-2, PO-1, I, [IP] PVCA, PVRA and RD/LI. This regulation allows, under specific standards, lots to be created without frontage on a Town or State road.

(Note: Subsections 3.d.1 through 6 shall remain in effect.)

Explanatory Note: These revisions are associated and tied to proposed zoning map revisions listed in item A above.

8. Revise Article VIII, subsection C.2 to read as follows:

2. Business

In all Business, [Industrial] and Institutional (PB-1 through 5, NB-1 and 2, B, PO-1 [IP], RD/LI and I) zones, each new building shall have a minimum of 500 square feet of floor area on the ground level.

Explanatory Note: These revisions are associated and tied to proposed zoning map revisions listed in item A above.

9. Revise Article X, Section A.1 as follows:

- a. Delete IP-Industrial Park from the listing of Design Development Districts.
- b. Add PVCA-Pleasant Valley Commercial/Agriculture Zone to the listing of Design Development Districts.

Explanatory Note: These revisions are associated and tied to proposed zoning map revisions listed in item A above.

10. Revise Article X., Section A.2.c to delete in line 10 "Industrial park or" and to change "an" to "a".

Explanatory Note: These revisions are associated and tied to proposed zoning map revisions listed in item A above.

11. Revise Article X, Section A.4.e to delete in line 11 "IP and" and to change "zones" to "zone".

Explanatory Note: These revisions are associated and tied to proposed zoning map revisions listed in item A above.

12. Revise Article X, Section A.4.h to delete in line 3 "IP or"

Explanatory Note: These revisions are associated and tied to proposed zoning map revisions listed in item A above.

13. Revise existing Article X, Section A.8 to delete "Industrial Park (IP) and" in the title line of this subsection and to delete references to "IP or" in line 1 of subsection 8a and 8c.

Explanatory Note: These revisions are associated and tied to proposed zoning map revisions listed in item A above.

14. Revise Article X, Section A.9 (Special Provisions for the Pleasant Valley Residence Agriculture (PVRA) Zone) to read as follows:

a. Delete existing subsection 9.b and replace it with a new Subsection 9.b. to read as follows:

b. Agricultural Land Preservation Requirements

Pursuant to the Plan of Conservation and Development recommendations, the Commission shall have the authority to require up to fifty (50) percent of the prime agricultural acreage on a subject property to be permanently preserved for agricultural use. This agricultural dedication provision may be addressed prior to any development, in association with an initial development phase or incrementally, over a series of phases or developments. However, in applying this provision, cumulatively no more than fifty (50) percent of the prime agriculture acreage of a property in existence at the time this regulation is adopted shall be required to be permanently preserved for agricultural use.

As utilized in this provision, prime agricultural acreage shall be those areas that have been cultivated or otherwise used for agricultural purposes and/or those areas with soils that are classified as "prime agricultural" by the Natural Resources Conservation Service. The location of the agricultural acreage to be preserved shall be determined by the Commission and may be on other land under the control of the applicant. All property owners and prospective developers are encouraged to work with the Commission to identify an appropriate location(s) for preserved agricultural land that will retain agricultural value, complement existing and proposed land uses and enhance adjacent and nearby agricultural land. Based on information reviewed prior to the adoption of this regulation, the following area should be considered for agricultural land preservation:

- Land immediately south of Pleasant Valley Road between Mansfield City Road and the Flood Hazard Zone containing Conantville Brook.

To ensure the permanent preservation of designated agricultural land, conservation easements, approved by the Commission, shall be filed on the Land Records. In addition, the Commission shall have the authority to recommend and facilitate the transferral of agricultural land to be transferred in title to the Town of Mansfield or an acceptable organization dedicated to agricultural preservation. Agricultural easement areas shall be monumented with iron pins and Town Conservations easement markers shall be placed every 50 to 100 feet around the perimeter boundary of the easement area. The Town Markers shall be placed on trees, fences, four (4) inch cedar posts or other structures acceptable to the Commission.

b. In Subsection 9.c. delete "open space/recreational facilities" in lines 2 and 3.

c. Add a new subsection 9.f. to read as follows:

f. **Open Space/Recreation Facilities**

The Commission shall have the authority to require appropriate open space and recreation facilities for all residential developments. The size and location of any required open space and the degree of any required improvement shall take into account the size and location of the agricultural land to be preserved pursuant to subsection 9.b. (above) and the size and nature of the residential development. In situations where the agricultural land preservation requirements of Section 9.b (above) have been addressed suitably, any additional acreage that may be required to meet this provision shall be limited to acreage needed to provide specific recreational improvements. As a general guide, for developments with fifty (50) or more dwelling units, the Commission may require multi-use ball fields, tennis courts, and/or playgrounds. For smaller projects, trails, garden areas, and multi-use lawn areas may be considered adequate to meet this requirement. Detailed plans and specifications for proposed or required open space and recreational improvements shall be shown on project plans. Whenever possible and appropriate, active recreational facilities shall be screened from residences, driveways, streets, and parking areas.

d. Add a new subsection 9.g. to read as follows:

g. **PVRA Design Criteria**

To promote the retention and enhancement of the agricultural and scenic character of the Pleasant Valley Residence Agriculture Zone, all new developments shall be designed to preserve and, as appropriate, enhance existing views and vistas from adjacent and nearby roadways and neighboring properties. In addition to addressing all applicable provisions of the Architectural and Design Standards contained in Article X, Section R of these regulations, all development shall address the following design criteria:

1. Subject to individual site characteristics, new buildings and structures and all associated parking, loading and waste storage areas shall be located away from adjacent roadways to minimize visual impacts;
2. Subject to individual site characteristics, parking, loading and waste disposal areas shall be screened by existing or proposed buildings or landscape improvements;
3. New buildings shall be designed to break up their mass into smaller visual components through the use of projections, recesses, varied façade treatments, varied roof lines and pitches, and where appropriate, variations in building materials and colors;
4. Site specific landscape and lighting plans shall be designed by qualified professionals and implemented to reduce visual impact and promote compatibility with neighboring agricultural and residential uses.

Explanatory Note: These revisions are associated and tied to the proposed zoning map revisions listed in Above. The revisions in this section are designed to clarify and update agricultural preservation provisions and incorporate appropriate open space/recreational and design criteria requirements for the PVRA zone.

15. Add a new Article X, Section A.10 to read as follows:

10. Special Provisions for the Pleasant Valley Commercial/Agriculture (PVCA) zone

a. Water and Sewer Facilities

Except as noted below, all proposed developments in the PVCA zone must be served by public water and sewer facilities or must be readily connected to such services. "Readily connected" is defined as that point in time when contracts have been let for construction of public sewer and water facilities requested for connection. A Certificate of Compliance shall not be issued until the site is connected to public water and sewer facilities. Article VII Section K.2.b. authorizes the commission to waive this requirement.

b. Building Height Requirements

No building shall exceed three stories or a height of 40 feet.

c. Distance Between Structures

Except as noted below, the distance between any two structures shall be no less than the average height of both, but in no case less than 50 feet. The Commission may vary this spacing requirement when it determines that such variations will enhance the design of the project without significantly affecting either emergency or solar access.

d. Courtyards

Except as noted below, courts enclosed on all sides shall not be permitted and no open court shall have a length or width less than fifty (50) feet. The Commission may vary these requirements when it determines that such variations will enhance the design of the project without significantly affecting either emergency or solar access.

e. Parking

Required parking spaces shall not be allowed on any street or internal roadway and shall be set back a minimum of 10 feet from principal buildings. All spaces shall comply with the parking provisions of Article X, Section D and other dimensional requirements of these Regulations.

f. Agricultural Land Preservation Requirements

Pursuant to the Plan of Conservation and Development recommendations, the Commission shall have the authority to require up to fifty (50) percent of the prime agricultural acreage on a subject property to be permanently preserved for agricultural use. This agricultural dedication provision may be addressed prior to any development, in association with an initial development phase or incrementally, over a series of phases or developments. However, in applying this provision, cumulatively no more than fifty (50) percent of the prime agriculture acreage of a property in existence at the time this regulation is adopted shall be required to be permanently preserved for agricultural use.

As utilized in this provision, prime agricultural acreage shall be those areas that have been cultivated or otherwise used for agricultural purposes and/or those areas with soils that are classified as "prime agricultural" by the Natural Resources Conservation Service. The location of the agricultural acreage to be preserved shall be determined by the Commission and may be on other land under the control of the applicant. All property owners and prospective developers are encouraged to work with the Commission to identify an appropriate location(s) for preserved agricultural land that will retain agricultural value, complement existing and proposed land uses and enhance adjacent and nearby agricultural land. Based on information reviewed prior to the adoption of this regulation, the following area should be considered for agricultural land preservation:

- Land immediately south of Pleasant Valley Road.

To ensure the permanent preservation of designated agricultural land, conservation easements, approved by the Commission, shall be filed on the Land Records. In addition, the Commission shall have the authority to recommend and facilitate the transfer of agricultural land in title to the Town of Mansfield or an acceptable organization dedicated to agricultural preservation.

Agricultural easement areas shall be monumented with iron pins and Town Conservations easement markers shall be placed every 50 to 100 feet around the perimeter boundary of the easement area. The Town Markers shall be placed on trees, fences, four (4) inch cedar posts or other structures acceptable to the Commission.

g. PVCA Design Criteria

To promote the retention and enhancement of the agricultural and scenic character of the Pleasant Valley Commercial Agriculture Zone, all new developments shall be designed to preserve and, as appropriate, enhance existing views and vistas from adjacent and nearby roadways and neighboring properties. In addition to addressing all applicable provisions of the Architectural and Design Standards contained in Article X, Section R of these regulations, all development shall address the following design criteria:

1. Subject to individual site characteristics, new buildings and structures and all associated parking, loading and waste storage areas shall be located away from adjacent roadways to minimize visual impacts;
2. Subject to individual site characteristics, parking, loading and waste disposal areas shall be screened by existing or proposed buildings or landscape improvements;
3. New buildings shall be designed to break up their mass into smaller visual components through the use of projections, recesses, varied façade treatments, varied roof lines and pitches and where appropriate variations in building materials and colors;
4. Site specific landscape and lighting plans shall be designed by qualified professionals and implemented to reduce visual impact and promote compatibility with neighboring agricultural and residential uses.

Explanatory Note: These revisions are associated and tied to the proposed zoning map revisions listed in A above. This section proposes new provisions consistent with the intent for the PVCA zone as described in item 5 (proposed Article VII Subsection U).

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TOWN OF MANSFIELD
OFFICE OF PLANNING AND DEVELOPMENT

GREGORY J. PADICK, DIRECTOR OF PLANNING

Memo to: Mansfield Planning and Zoning Commission
From: Gregory Padick, Director of Planning
Date: 2/24/10
Re: 8-24 Referral: Ossen/McCoy Property, Birchwood Heights Road



Pursuant to the provisions of Section 8-24 of the State Statutes, the above-referenced proposed acquisition of land has been referred to the PZC for comment. The Town Council is expected to schedule a 3/22/10 Public Hearing on this issue, and if possible, comments should be forwarded prior to the Public Hearing. The PZC has 35 days to report to the Town Council. The following information is provided for the PZC's consideration.

- The property being considered by the Town is .9 acres in size, is undeveloped and is situated between existing homes at 41 and 55 Birchwood Heights Road (see attached maps).
- The subject property is zoned RAR-90, is wooded in nature and contains wetlands and moderate slopes. It is situated within the Schoolhouse Brook, Fenton River and Willimantic Reservoir drainage basins. The site is not within designated flood hazard or stratified drift aquifer areas.
- During the processing of the Fellows Estates Subdivision in 1995, I contacted Mr. Ossen to explore the potential Town acquisition of the subject property. At that time acquisition was not possible but the PZC, in conjunction with approval of the Fellows Estates subdivision, approved a conservation easement with trail rights on those portions of lots 1 and 2 that abut the Ossen/McCoy property. Recently E. Ossen, representing the estate of her husband, offered to convey the subject .9-acre property to the Town for the sum of \$500. The property currently is assessed by the Town at \$5,390. Pursuant to Statutory requirements this potential acquisition has been referred to the PZC for comments and if deemed appropriate, a recommendation.
- Mansfield's Parks Coordinator and I have walked the subject property and the adjacent easement area along Monticello Road and have confirmed that a trail connection can be readily accomplished. A trail segment on these properties would add a direct pedestrian convection between two adjacent neighborhoods and would enhance access to the recently acquired Moss Sanctuary for residents living on Monticello, Fellon and Davis Roads.
- The subject property is within a wetland open space preservation classification on Plan of Conservation and Development mapping. Town acquisition would be consistent with numerous generic objectives and recommendations contained in Mansfield's 2006 Plan of Conservation and Development. Acquisitions also would specifically address "Open Space Acquisition Priority Criteria". #7 "creates or enhances connections" - see Appendix K.
- Mansfield's Open Space Preservation Committee has reviewed the proposed acquisition. The attached 1/9/10 report from the Committee supports Town acquisition and the establishment of a trail link between Birchwood Heights and Monticello Roads.

Summary/Recommendation

The proposed acquisition of the Ossen/McCoy property would facilitate access between residential neighborhoods and increase opportunities to utilize the recently acquired Moss Sanctuary. Based on open space priority criteria and objectives and recommendation contained in Mansfield's Plan of Conservation and Development, Town acquisition would be fully consistent with Mansfield's Master Plan. It is therefore recommended **that the PZC notify the Town Council that the proposed acquisition of the Ossen/McCoy property would promote Plan of Conservation and Development goals, objectives and recommendations and is supported by the Planning and Zoning Commission.**

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MEMORANDUM

Town of Mansfield
Town Manager's Office
4 So. Eagleville Rd., Mansfield, CT 06268
860-429-3336
Hartmw@mansfieldct.org



To: Planning and Zoning Commission
CC: Gregory Padick, Director of Planning
From: Matthew Hart, Town Manager *MWH*
Date: February 23, 2010
Re: Referral: Ossen Property

Please see the attached information regarding the above captioned matter for your review and comment.

Your assistance with this matter is greatly appreciated.

Attach: (1)

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OPEN SPACE PRESERVATION COMMITTEE

January 19, 2010

To: Town Council

Re: Acquisition of the Ossen/McCoy property

At their January 19, 2010, meeting, the OSPC reviewed the Town's proposed acquisition of an approximately one-acre lot of record (Lot 40) on Birchwood Heights Road, which is owned by the estate of Jeffery Ossen and by James McCoy.

COMMENTS:

The Town is in the process of acquiring the 135-acre Moss Sanctuary, currently owned by the University of Connecticut. There is an entrance to the Sanctuary at the corner of Birchwood Heights Road and Route 195. The committee has reviewed ways to improve pedestrian access to the Sanctuary, which is a popular walking area for the neighborhood. Town ownership of the Ossen property would offer a way to provide pedestrian access for residents from south of the Sanctuary. This is a wooded lot with dry land appropriate for walking on the west side; the east side has wetlands and a drainage easement from Birchwood Heights Road.

The south edge of this lot abuts a conservation easement area on Lot 1 of the Fellows Estates subdivision on Monticello Road. This easement area extends from the Ossen/McCoy boundary to Monticello Road (see map). The easement agreement includes "the right to establish, construct and maintain a trail/path for walking and bicycling within the conservation easement area..." When the OSPC reviewed the proposed Fellows Estates subdivision in 2005, they recommended this easement, which could "provide access for the residents to the Moss Sanctuary entrance on Birchwood Heights Road," and they also recommended investigation of the "possibility of a link through adjacent (Ossen/McCoy) property."

Subsequently, on January 19, 2010, the committee reviewed possible Town acquisition of the Ossen/McCoy property with reference to the following items:

Town Plan's Open Space Acquisition Priority Criteria (Appendix K):

The property "creates or enhances connections," specifically it would

- 1) "provide a new linkage from an existing... residential neighborhood to an open space" property. The potential link through the Ossen/McCoy property would afford access to the Moss Sanctuary from Monticello Road and potentially from other neighborhoods.
- 2) "provide a new trail access between open space properties." The Ossen/McCoy property would create an opportunity for a connection between the Moss Sanctuary and the 17-acre Fellows Estates open space dedication on the south side of Monticello Road (directly across from Lot 1).

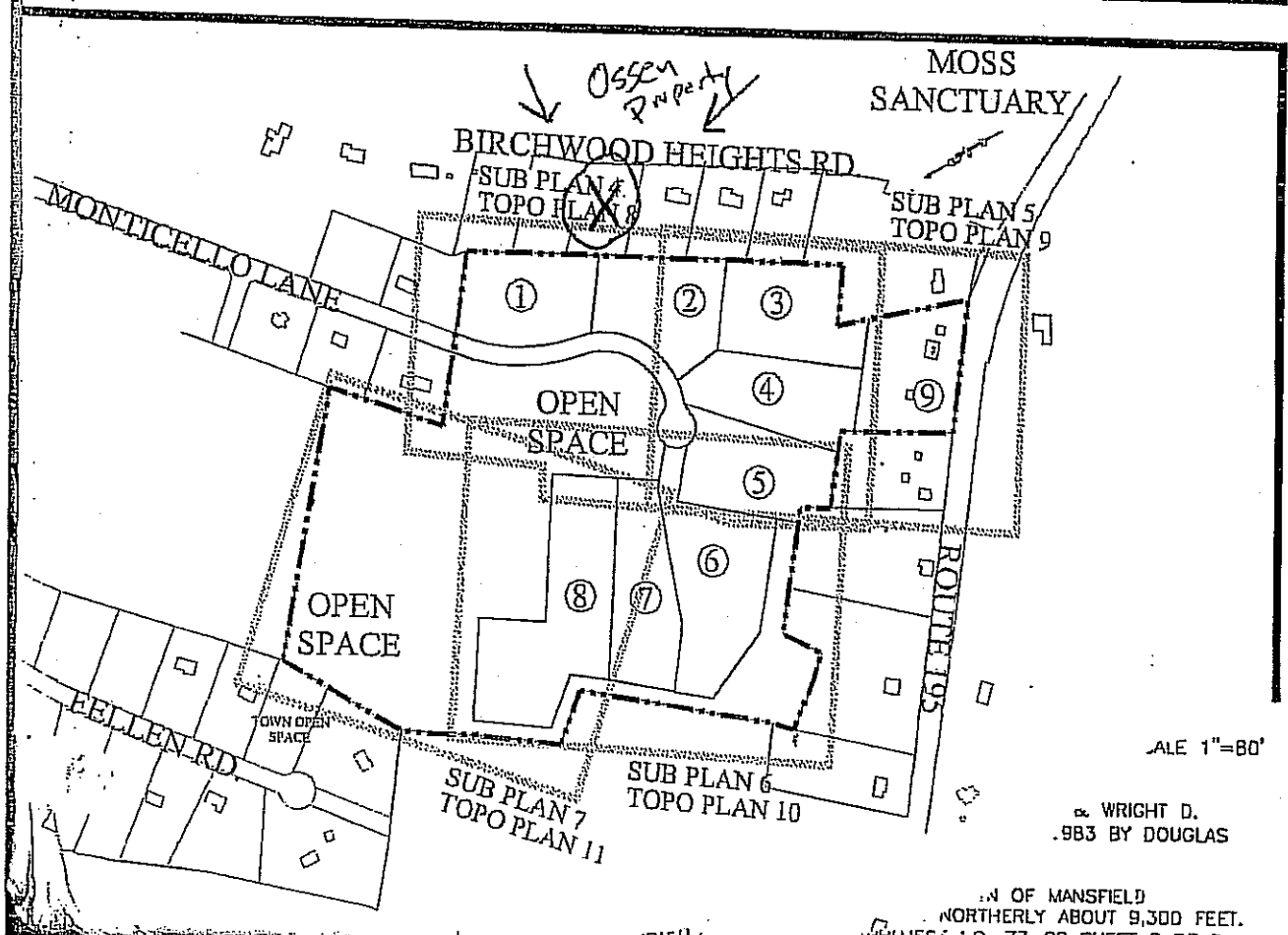
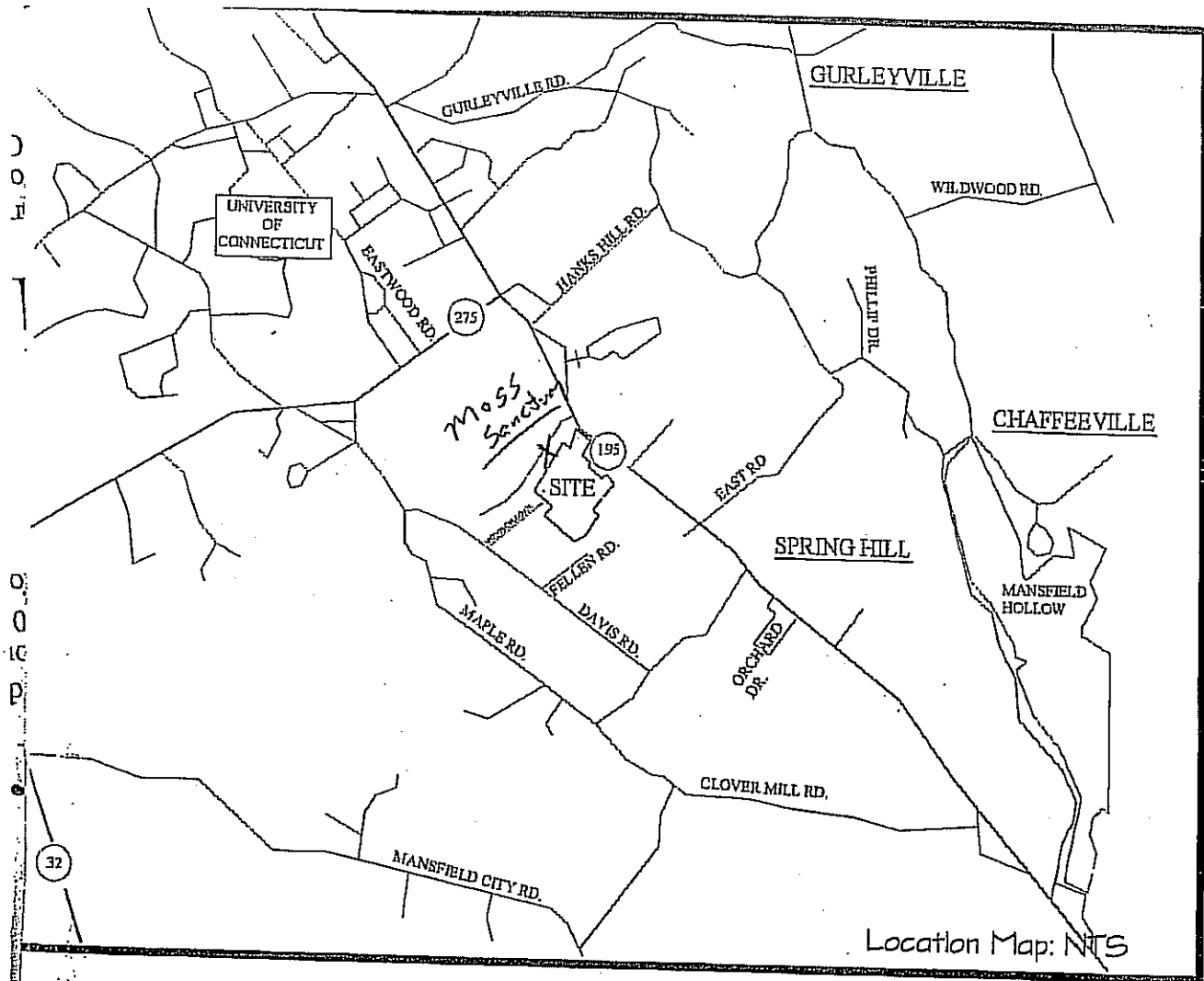
3) “protect a wildlife corridor.” The Ossen/McCoy property is the only undeveloped land in this section of Birchwood Heights Road, and it affords a corridor for wildlife to travel between the Moss Sanctuary and the large undeveloped area south of Monticello Road.

Anticipated start-up or maintenance requirements

There is sufficient dry land to construct a footpath through this property and the adjoining conservation easement area. The committee noted that this trail would not require a special surface or any structures. It would need periodic clearing, and this work is usually done by Parks volunteers.

RECOMMENDATION:

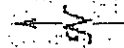
The Committee recommends that the Town purchase the Ossen/McCoy property for the reasons stated above.



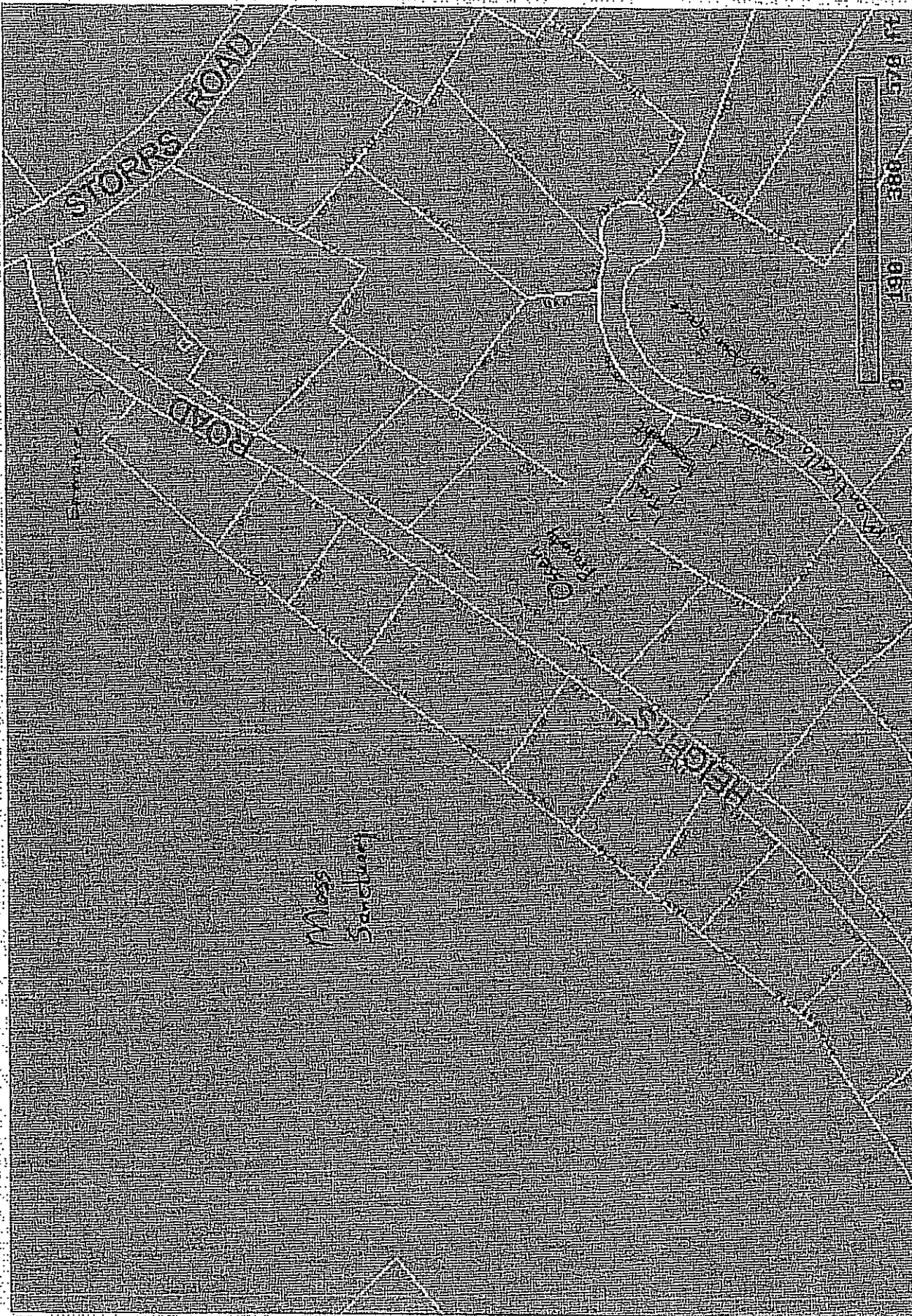
Town of Mansfield, CT - Ossen property: Birchwood Heights Rd



- Dimension
- A. RoadName
- Streams
- Water
- Parcels
- Towns



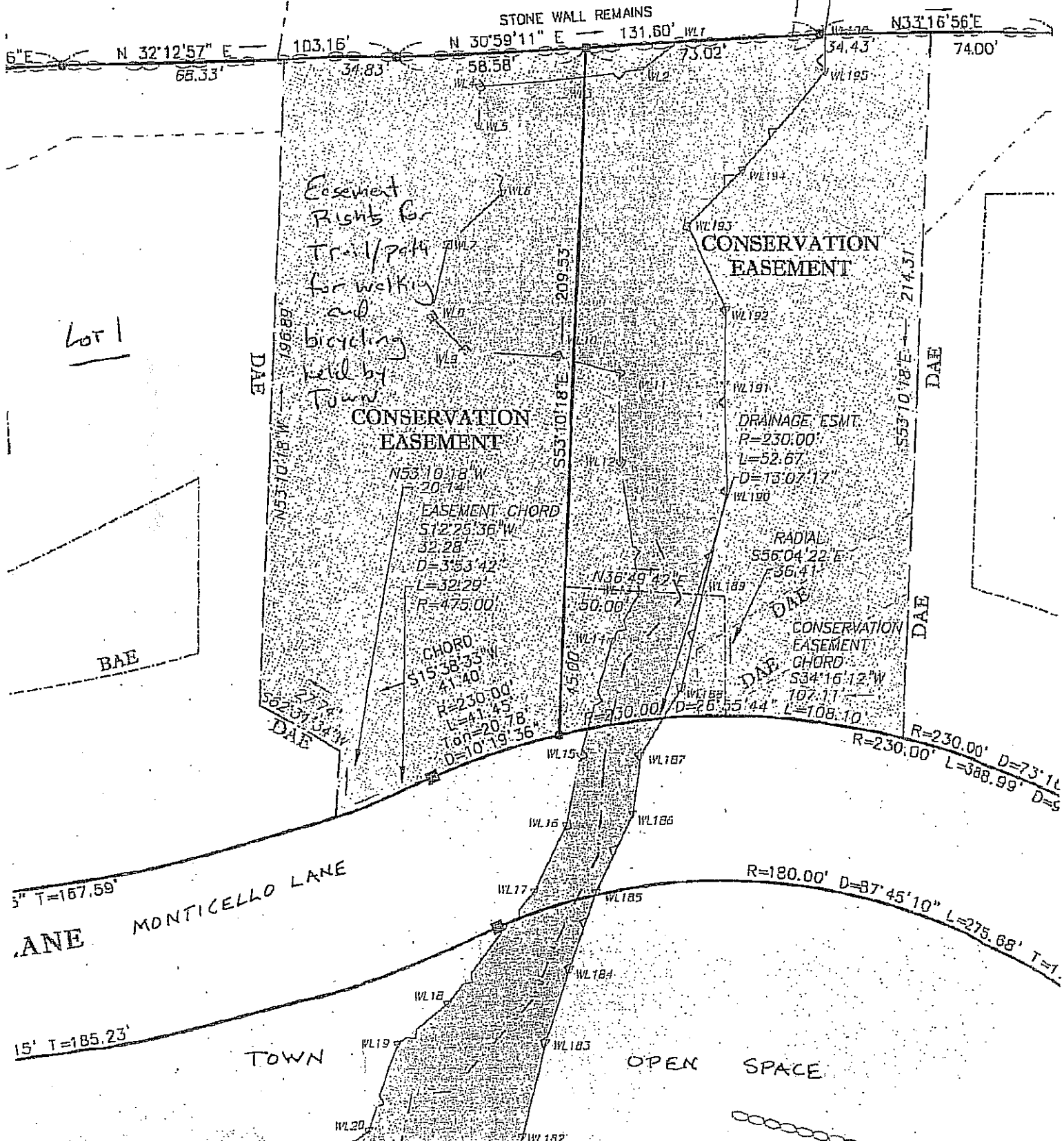
11/20/2009
1 in = 273.47'



N/F
J M. & DEBORAH A.
WOLF
VOL 449 PGE.33

N/F
JEFFREY P. OSSEN & JAMES
W. McCOY
VOL.105 PGE.296

EXISTING -
DRAINAGE
EASEMENT



Add Browse Delete Exit Go Help Modify Query Report Skip Tools

Parcel#() 022/0059 /0040 Year 2009 Card of

Override GIS Parcel #		Unit		Street BIRCHWOOD HGHTS RD		GISPID 22.59.40	
Number -		Unit		Street BIRCHWOOD HGHTS RD		GISPID 22.59.40	
1		Latest Data		2			
Account No R03473		Tax Dist MANS TOWN OF MANSFIELD					
Volume 105 Page 296 Date 01/30/1968		Land Use R500 RESIDENTIAL VACANT LAND					
Owner OSSEN JEFFREY EST OF & MCCOY J		Census 8815 Elderly Credit					
Values		Exemptions		3			
Use	Quantity	Appraised	Assessed	Exemption Type Code	Year	Amount	
VAC RES LA	.900	7700	5390				
Totals		7700	5390				

Mansfld/Covntry-

Tax Administration

- ACTIVE

MODIFY By Parcel#

TOWN OF MANSFIELD
OFFICE OF PLANNING AND DEVELOPMENT

GREGORY J. PADICK, DIRECTOR OF PLANNING

Memo to: Planning and Zoning Commission
From: Gregory Padick, Director of Planning
Date: 2/25/10
Re: Modification request: Juniper Hill Village, Silo Circle, File #627



Modification Request

The subject modification request seeks approval for various storm water management and maintenance improvements at the Juniper Hill Village on Silo Circle. The proposed site work is described in narrative form in the attached 2/23/10 letter from the project engineer, C. Gagnon of Godfrey-Hoffman Associates LLC. The planned improvements, which will include catch basin retro fits, new grassed swales and new outlet protection, will be designed to eliminate existing drainage problems, reduce outlet velocities and reduce erosion and sedimentation. Existing parking areas will be repaved but there will be no increase in impervious surfaces. The attached sketch plan, prepared as part of an initial site inventory, identifies existing areas of ponding and other problem areas that will be addressed by the proposed stormwater improvements.

The planned stormwater improvement project has been proposed in association with a building improvement initiative to be funded through the Department of Housing and Urban Development "Green Retrofit Program". This federal stimulus project requires bid documents to be completed in March 2010. It is my understanding that the other planned Juniper Hill work will include entry door and façade improvements, insulation/weather proofing improvements and the installation of new energy efficient appliances. Contract drawings, which will include specific designs for stormwater improvements, are being prepared. All work will need to be authorized through the issuance of Zoning and Building Permits.

The subject Juniper Hill housing development was approved by the PZC in 1979 and constructed soon thereafter. Since the initial construction, a few minor modifications have been authorized but no major site or building alterations have occurred. The most recent modification was for accessibility improvements which were authorized in October 2009 by the PZC Chairman and Zoning Agent as minor site modifications.

The attached 2/23/10 letter from E. Austin, President of Mansfield Retirement Community, provides more information about this project. It is expected that project representatives, will be present at the 3/1/10 meeting to address any questions.

Analysis

The provisions of Art. V, Sec. B.9 and Art. XI, Sec. D authorize site modifications without the submission of a new special permit application, provided the proposed revisions are not considered a significant alteration having potential land use impacts that must be evaluated through a new special permit process. I have reviewed the proposed revisions with respect applicable regulatory requirements and the following review comments are presented for the PZC's consideration.

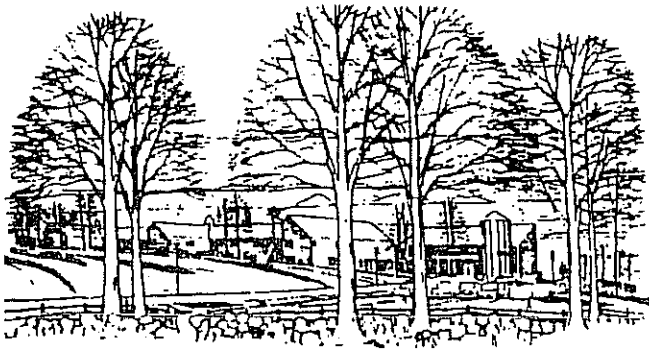
- The subject proposal also has been submitted to the IWA for its consideration. Based on the staff review to date, the proposed stormwater improvements are considered maintenance work that will enhance the conservation of soil and water resources. An Inland Wetland license does not appear to be required.
- Subject to obtaining any necessary IWA authorization, the proposal is not considered a significant alteration or intensification of use and no significant environmental or neighborhood impacts are expected.
- The design of the subject stormwater improvements will be subject to staff review pursuant to Zoning and Building Permit requirements. Staff will confirm that specific designs are consistent with the submitted narrative describing the project.
- The proposed exterior building improvements (entry doors, siding, etc) are not expected to alter the overall appearance of the subject dwellings. Interior improvements are not under the PZC's jurisdiction.

Summary

My review indicates that the proposed stormwater work is not expected to have significant land use impact and therefore, pursuant to Art. V, Sec. B.9 and Art. XI, Sec. D, can be authorized through the modification process. Conditions may be included in a modification approval. The following motion has been prepared for the PZC's consideration:

That the PZC Chairman and Zoning Agent be authorized to approve under the site modification process proposed stormwater and building façade improvements at the Juniper Hill Village elderly housing development, 1 Silo Circle, as described in a 2/23/10 letter from project engineer, C. Gagnon and as described at the PZC's March 1st meeting, subject to the following conditions:

1. **All drainage improvement designs shall be approved by the Assistant Town Engineer.**
2. **Before work begins on grading and stormwater improvements, erosion and sedimentation controls shall be installed down gradient of proposed work areas. These controls shall be inspected daily and maintained until all disturbed areas are stabilized.**
3. **No work shall begin until a Zoning Permit has been issued.**



JUNIPER HILL VILLAGE

Mansfield Retirement Community, Inc.

One Silo Circle, Storrs, Connecticut 06268

TEL. (860) 429-9933

FAX (860) 429-6104

February 23, 2010

Greg Padick, Director of Planning
Planning and Zoning
4 South Eagleville Road
Storrs, CT 06268

Dear Mr. Padick:

Mansfield Retirement Community (MRC) has been selected by the Department of Housing and Urban Development (HUD) to participate in the Green Retrofit Program (GRP). This is a part of the Federal Stimulus Program that puts people to work, by investing in projects that benefit people, communities and the country, in general.

One of the important features of this program is to fast-track the money into the economy. Mansfield Retirement Community will be able to upgrade its facilities with up to 1.5 million dollars, if we can put together a package of replacements, upgrades and improvements, and **complete our bid documents in March**. A general contractor will be identified for an anticipated closing in April 2010. We will then be required to complete all work within a 12 month time period.

The Town of Mansfield's timely help with the planning and permitting of this program is vital to our being approved by HUD, in order to participate in this great opportunity which will benefit so many.

Mansfield Retirement Community is a non-profit, community-based organization, which was formed and incorporated in the late 1970's. Its inception was promoted by requests from the Church Council of the Storrs Congregational Church. The Town of Mansfield was already looking into housing for its most vulnerable residents, and joined in the quest for housing of this type. Out of all this came Juniper Hill Village -100 units of subsidized housing for senior citizens and the disabled. Juniper Hill Village opened in January 1981, and was financed by a grant from HUD for \$3,275,000, including private funds of \$23,000 and in kind services from the Town of Mansfield and the University of Connecticut.



TRS: 1-800-842-9710



Elderly Housing Management, Inc.
2664-2 State Street
Hamden, CT 06517
(203) 248-6809

Bearing in mind the time above-mentioned time constraints, we thank you for giving this most important project for the residents of Mansfield your immediate attention.

Sincerely,

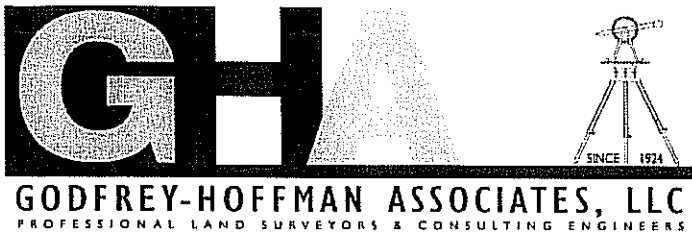
Edward A. Austin, President
Mansfield Retirement Community

A handwritten signature in cursive script that reads "Ed Austin".

Marlene E. Walsh, Administrator
Juniper Hill Village

cc: Grant Meitzler, Assistant Town Engineer
Department of Public Works

Mike Nintean, Director
Building Department



February 23, 2010

Mansfield Inland Wetland Agency
Audrey P. Beck Municipal Building
4 South Eagleville Road
Storrs-Mansfield, Ct 06268

Regarding: Mansfield Retirement Community, Inc. Juniper Hill Village

Dear Chairperson:

The purpose of this correspondence is to inform you about the proposed site and stormwater management system upgrades to be performed at the property located at 1 Silo Circle in Mansfield, Connecticut. The Mansfield Retirement Community, Inc., Juniper Hill Village, hereafter referred to as The Applicant, would like to receive an administrative approval to perform the proposed site work which will be described below.

On February 18, 2010 the applicant and I attended a preliminary meeting with the Town of Mansfield Director of Planning, Gregory Padick, and The Town of Mansfield Inland Wetland Agent, Grant Meitzler to discuss the proposed project. At the meeting it was recommended by Mr. Padick that the project be reviewed by the Inland Wetland Agency due to the presence of inland wetlands on the property.

The proposed site upgrades consist of retrofitting the existing stormwater management system to achieve a "green" system using the concepts of Low Impact Design (LID). The stormwater management system upgrades will include retrofitting existing structures, modifying the stormwater conveyance systems and adding protections to the outlet points of the systems. The project will also include repaving of the existing parking lots. There will be no increase in impervious surfaces as a result of the work.

The retrofits to the stormwater management system consist of installing hoods to the outlet pipes within the catch basins which are to remain. The stormwater management conveyance system upgrades will include the introduction of grassed swales, replacing crushed and/or undersized pipes and re-setting inlets which are not functioning properly. The various outlet points will be protected by a combination of new sediment forebays, plunge pools, riprap energy dissipation areas and level spreaders. These features will act to both reduce the sediment loads within the runoff and to reduce the erosive velocity of the runoff. The outlet points are the only proposed areas of work which will be in the vicinity of the upland review areas. It is the goal of the Applicant to NOT encroach closer to the wetland with any of the proposed upgrades to the system.



To properly implement the LID aspects of the stormwater management system upgrades the paved parking areas will need to be modified in some places. For example, a common LID element is to direct runoff, via sheet flow, directly from a paved area to a grass swale. To convert an area of the existing parking lot where the runoff is collected via a conventional curb and gutter system, the curb will need to be removed and the parking lot regarded to achieve the desired LID upgrade.

There are various areas within the paved parking lot which experience localized flooding during storms and times of snow melt. This creates a safety hazard to the elderly residents of the property. The intent of the regarding and repaving operation is to eliminate these problem areas.

While the final design of the upgrades has not been completed yet the intended design process is as follows. The applicant will perform detailed surveys of the problem areas to help analyze each individual area. The survey will be used to develop a proposed design to alleviate the various problems. These design drawing will be used for two purposes. They will be reviewed by Town Professionals for zoning permit and building permit purposes and they will be provided to potential contractors to solicit a quote to perform the proposed work.

As stated above, the intent of the proposed work is to create a stormwater management system which will convey stormwater in the cleanest possible way to the outlet points. The upgrades will not increase the impervious footprint of the property while improving the safety of the site for residents and visitors. It is requested by the Applicant that the Town of Mansfield Inland Wetland Agency provide an administrative approval for the above described work.

Sincerely yours,

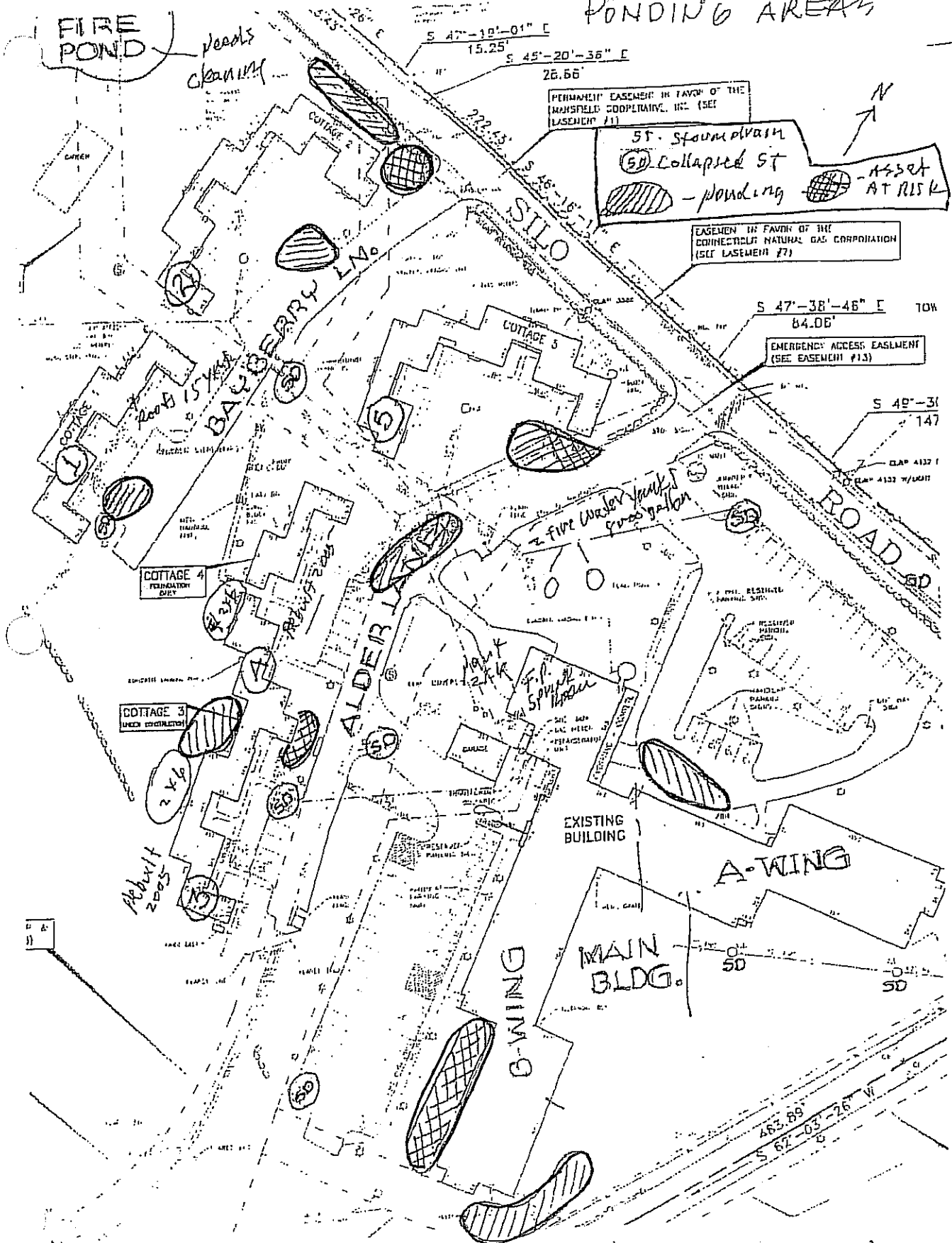


Christopher Gagnon, P.E.
Godfrey-Hoffman Associates, LLC

3.0 STORM WATER MANAGEMENT

JUNIPER HILL

PONDING AREAS



- AREAS OF CONCERN
- PONDING
- ASSET AT RISK

ADP & S&S UNDER
11/14/574 C/CAVE
PROJECT

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Date: February 22, 2010

To: Mansfield Planning and Zoning Commission, Greg Padick

From: Open Space Preservation Committee

Re: **Preliminary Site Analysis for Proposed Subdivisions**

Current situation

The committee has noted that some subdivision applications in the past several years have required revisions and expert testimony during the public hearing phase of the applications. These requirements have lengthened public hearings and imposed additional expense on the applicant. We would like to suggest a way to reduce potential problems without requiring additional effort or expense by the applicant.

The current regulations include an optional Preliminary Plan as well as a Final Plan. Because it is optional, most, if not, all applicants skip the Preliminary Plan. When only the Final Plan is submitted, there is no opportunity for input to the applicant except through the formal review process. When issues are first identified after submission of a Final Plan, it is a burden on everyone involved to provide and/or review additional information about items that were not considered in the applicant's Final Plan.

Proposed solution

To avoid this situation, we recommend that that a "preliminary site analysis" be required as a first step before a Final Plan is submitted for approval. This analysis would include information about natural and manmade features on and near the property. This information is already required as part of the Final Plan in Section 5.2, Items a through j (not Items k through m). The site analysis would be provided to the Director of Planning as a first step before the applicant creates a Final Plan. The Director and other staff members would review the information provided by this analysis and, as appropriate, provide additional information to the applicant before he/she invests in creating maps, etc. for a development proposal. We also suggest that, when appropriate, this analysis be referred to the Conservation Commission, Open Space Preservation Committee, and any other Mansfield advisory committees so there is a wider pool of knowledge available to identify features and issues relevant to the land being developed. This would be an information-gathering process only.

Adding a mandatory preliminary site analysis to the application process would change only the timing of when Items a through j are presented. Feedback to the applicant would focus on information about the property and abutting land as well as any regulatory issues that need to be addressed. It would be the first step in the application process, after which the applicant would develop the Final Plan maps.

If this information-gathering procedure had been in place, information about issues such as the TMDL analysis of Eagleville Brook (Arthur's Pond subdivision), the scenic road status of Farrell Road (Clark subdivision), and the leatherleaf bog on Dodd Road (Quiet Meadow subdivision) would have been provided to the applicant before the plans were drawn rather than

Preliminary Site Analysis for Proposed Subdivisions, page 2

during a public hearing. The resulting hearing extensions and revisions to maps would have been avoided.

Creating this two-step process (one-site analysis, two- Final Plan) would make the application process smoother and potentially shorter for both the applicant and Town officials without imposing an additional burden on the applicant. Other towns have a two-step process, which requires a Preliminary Plan for the development. Although Mansfield offers this as an option, we do not see this as a useful procedure to solve the problem of missing information about the property. Also, we see the potential for predetermination issues. Thus, we are suggesting that an applicant provide only a site analysis as a first step, so that the best information can be available for creating the Final Plan (or even for creating an optional Preliminary Plan).

We have discussed this with Greg Padick during a committee meeting. Also, committee members have informally discussed this with an engineering firm representative, and he would welcome having as much information as possible before starting to draw plans. We are available to work with you on a way to make a preliminary site analysis part of the subdivision process and thus benefit everyone involved in a subdivision application. For reference, we have attached a copy of a relevant part of the Tolland subdivision regulations, which offers other options to consider for inclusion in a preliminary site analysis.

Your prompt consideration of this recommendation would be appreciated.

requirement if it finds that the proposal is of such a nature that a significant traffic impact is not anticipated.

- M. Scenic Hillside Protection. The visual integrity of hilltops and ridge lines shall be maintained by designing the development so that building silhouettes will be below the ridgeline or hilltop or, if the area is heavily wooded, so that the building silhouette will be at least ten (10) feet lower than the average canopy height of trees on the ridge line or hilltop.
- N. Subdivision application fees may include additional costs incurred by the Town of Tolland including but not limited to, the expense of retaining experts to analyze, review and report on areas requiring a detailed technical review in order to assist the Planning and Zoning Commission in its deliberations. Said costs will be estimated by the Commission, based on preliminary estimates from such experts, and said estimate of costs times 150% will be paid over to the Commission prior to proceeding on the application. Upon completion of the technical review and a determination of the costs incurred, any excess will be refunded to the applicant. The applicant shall not be responsible for costs incurred in excess of 150% of the Commission's estimate.
- O. The Commission may require a buffer of up to two hundred (200) feet from any structure constructed in a subdivision to the property line of:
- Land administered by the DEP;
 - Town owned Open Space or Park;
 - Land owned by any entity that is permanently dedicated as open space;
 - Land that has been identified as an aesthetic, visual or historic resource;
 - Land that has an existing farm use.

↙ Section 166-7. Subdivision Application Procedures.

A. Early planning.

Regulations. The subdivider should become familiar with State Statutes and Town regulations and other pertinent data as they relate to land use so that the subdivider is entirely aware of the requirements for subdivision and the subdivision process.

Consultations. The subdivider should consult with the appropriate State agencies and Municipal officials for technical assistance in the formation of plans and critical time frames, etc.

B. Pre-application procedures/Site Analysis Plan (Required).

Any proposed subdivision of 5 or more lots and/or any proposed subdivision including a new road or road extension must include the submission of a Site Analysis Plan. The plan shall be drawn at 200 scale unless waived by the Planning Staff due to the size and shape of the parcel or other relevant factors.

The purpose of this plan is to allow the Commission, Wetlands Commission, Conservation Commission and Staff, to review the overall site for general planning purposes taking into the consideration, recreation and Open Space issues, wetland impact, environmental concerns including the preservation of vegetation, and traffic circulation patterns.

The Site Analysis Plan shall show at least the following information:

1. A 1000 Scale key map showing the parcel and adjacent roads, any town line within 500 feet of the site and other notable features such as parks and municipal buildings, etc.
2. A legend
3. Existing contours at two-foot intervals.
4. Soil classifications as derived from the Tolland County Soil Survey.
5. Designated wetlands and watercourses including the identification of vernal pools, brooks or streams and showing flow directions, water courses, ponds, swamps and marshes within 500 feet of the subject parcel as derived from existing resources such as USGS Quadrangle maps and/or aerial photographs.
6. Flood Hazard Areas and the 100-year flood elevation as derived from Flood Insurance Rate Maps (FIRM).
7. Aquifer Protection Areas as taken from the Town Aquifer Protection Map.
8. Significant stone walls, hedgerows, significant rock outcroppings and unique landforms.
9. Significant vegetation, including trees and other plant-life that are significant because of their size, species, appearance, location or wildlife habitat value.
10. On-site and adjacent active agricultural land with uses identified.
11. Adjacent Open Space and recreational land that has been formally set aside for that purpose, whether privately or publicly held.
12. Existing pathways and/or proposed pathways as specified in Section 170-2 D, and existing or proposed sidewalks within 500 feet of the site.
13. Identify on or off-site sources of significant noise and/or visual impact.
14. Identify historically or architecturally significant structures and/or areas on or adjacent to the site.
15. The proximity of sites designated as areas of special concern (shown shaded on a CT DEP map entitled "Town of Tolland State and Federal listed Species and Significant Natural Communities". The sites must be indicated if they are within ½ mile upstream or downstream from the subject parcel.
16. Those parts of the site that are better suited for development and those parts of the site where development should be discouraged.

After the Site Analysis Plan has been reviewed, the Commission may schedule a mutually convenient date to walk the property with the applicant and his/her site designer. The purpose of this visit is to familiarize local officials with the property's special features and to provide them an informal opportunity to offer guidance to the applicant regarding the development.

Within thirty days after submission of the plans, Staff will consolidate all comments and recommendations and prepare a report for the subdivider.

C. Conceptual submission

Submission of Conceptual Plans shall be encouraged for all subdivision requests and required for all parcels of land containing 15 or more acres unless waived by the Town Planner. Commission may require an overall concept plan due to the number of lots previously subdivided over time from a large parcel. Several concepts may be submitted concurrently. The Conceptual Plan submission may not be combined with the Site Analysis Plan submission and review

The subdivider shall prepare plans for submission to the Planning Staff for distribution to the Planning and Zoning, Wetlands and Conservation Commissions and staff. The application will be placed on the Planning and Zoning Commission agenda for an informal discussion and recommendations by the Commission. This conceptual submission shall not be deemed to constitute any portion of the official and formal procedure of subdivision application and approval.

Each concept plan shall contain all information required on the Site Analysis Plan (See Section 166.7 B) and the following:

1. A 200 scale plan showing in greater detail the proposed lots, open space, road design and adjacent properties (recommended option – see item 2 below).
2. Overall Plan (See Section 166-9 B).
3. Layout of the roads.
4. Layout of proposed lots.

The submission of the conceptual proposal(s) does not alter the requirements or procedures for the submission of an application for subdivision. Any review, comments or recommendations made by the Commission or Staff are limited to the information presented in the conceptual plans and are not to be considered as a commitment to approve a definitive subdivision for which more detailed information is required. In the event that the subdivider chooses to submit only final subdivision plans, all of the items listed in Section 166-9 shall be provided and shall be in accordance with Section 166-6 H 1.

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AGENDA

PLANNING & ZONING COMMISSION REGULATORY REVIEW COMMITTEE

2:00 p.m., Tuesday, March 2, 2010

Council Chambers

- I. Call to Order
- II. Minutes: April 27, 2009
- III. Consideration of potential revisions to the Zoning Regulations/Zoning Map
 - a. Potential revisions that have been actively discussed
 - 1. Pleasant Valley Road area Rezoning/Regulation Revisions
 - 2. Political Signs
 - 3. Keeping of Animals/Comprehensive update of Agricultural Regulations
 - 4. Aquifer/Ground Water Protection Regulations
 - 5. Invasive Species Regulations
 - 6. Common Driveway Regulations
 - 7. Definition of Family
 - 8. Recreational Improvement Requirements; trails, bridges, etc.
 - 9. Application review/referral processes; revisions during process; post approval requirements, etc.
 - b. Recent Referrals:
 - 1. Alcohol Beverage Regulations
 - 2. Illuminated Commercial Signs
 - c. Other identified Zoning/Regulation issues
 - 1. Refine Landscape Architect role
 - 2. Refine specimen tree inventory/preservation requirements
 - 3. Historic Preservation requirements including stone walls
 - 4. Lighting requirements
 - 5. Loading/waste disposal area requirements
 - 6. Design standards for major projects
 - 7. Road and drainage standards
 - 8. Notification provisions
 - d. Other
- IV. Future Meetings
- V. Adjournment

DRAFT MINUTES
PLANNING & ZONING COMMISSION REGULATORY REVIEW COMMITTEE
Monday, April 27, 2009
Council Chambers, Audrey P. Beck Municipal Building

Members present: B. Gardner (Chairman), M. Beal, R. Favretti, R. Hall (until 2:00 p.m.), K. Holt,
L. Lombard, P. Plante (arrived at 1:18 p.m.)
Others present: G. Padick, Director of Planning;

I. Call to Order

Chairman Gardner called the meeting to order at 1:05 p.m.

II. Minutes

3-24-09- Lombard MOVED, Favretti seconded, to approve the 3/24/09 minutes as written. MOTION PASSED UNANIMOUSLY.

4-13-09- Beal MOVED, Favretti seconded, to approve the 4/13/09 minutes as written. MOTION PASSED with Beal, Favretti and Holt in favor and the remaining members disqualified.

III. Consideration of potential revisions to the Zoning Regulations/Zoning Map

Members reviewed with Padick, an April 21, 2009 set of draft revisions to the Zoning and Subdivision Regulations. The draft revisions refined and reorganized proposed revisions that were discussed at various committee meetings over the past 6 months. Members agreed upon a number of revisions to the April 21st draft and Padick agreed to prepare an update for passing on to the full Commission for its consideration.

Favretti MOVED, Holt seconded, that the April 21, 2009 draft revisions to Mansfield's Zoning and Subdivision Regulations, with amendments agreed to at the Regulatory Review Committees 4/27/09 meeting, be forwarded to the Planning and Zoning Commission with a recommendation the Commission schedule a Public Hearing in June to receive public comment on the recommended revisions. MOTION PASSED UNANIMOUSLY.

IV. Future Meetings

After discussion, it was agreed to delay setting a new Committee meeting date until Padick had completed a draft revision for the Inland Wetland Regulations.

V. Adjournment

The meeting was adjourned at 2:47 p.m.

Respectfully submitted,

K. Holt, Secretary

**BUDGET REVIEW CALENDAR
FOR BUDGET YEAR 2009-10**

<u>DATE</u>	<u>TIME</u>	<u>ITEM</u>
Mar. 22	Mon 7:30 PM	Budget Presented to Town Council - Regular Meeting - Council Chambers - Beck Building - Introduction to the Budget & Review of Process
Mar. 25	Thu 7:00 PM	Council Budget Workshop - Council Chambers - Beck Building - Major Cost Drivers - Policy changes & initiatives (Issue Papers) - Discussion questions
Mar. 31	Wed 6:30 PM	Council Budget Workshop - Council Chambers - Beck Building - Board of Education budget - General Fund Revenue Review - Programmatic Review (review narratives) = General Government/Town Wide (Including Contrib. To Area Agencies) = Public Safety = Community Services = Community Development = Education
Apr. 1	Thu 7:00 PM	Public Information Session on Mgr's budget - Council Chambers - Beck Building
Apr. 5	Mon 6:30 PM	Council Budget Workshop - Question & Answer Session - Buchanan Auditorium - Mansfield Public Library - Operating Transfers to Other Funds = Parks & Recreation Fund = Debt Service Fund = Downtown Partnership - Internal Service Funds - Health Insurance, Worker's Compensation & Management Services = Health Insurance Fund = Worker's Compensation Fund = Management Services Fund - Other Agencies/Funds = Day Care Fund = Eastern Highlands Health District = Cemetery Fund/Long Term Investment Pool
Apr. 8	Thu 7:00 PM	Council Budget Workshop - Council Chambers - Beck Building - Capital Improvement Program - Capital Nonrecurring Fund - Solid Waste Fund and Town Aid Road Fund - Sewer Funds
Apr. 12	Mon 7:30 PM	Public Hearing on Budget Council Chambers - Audrey P. Beck Municipal Building
Apr. 15	Thu 6:30 PM	Council Budget Workshop - Additional Q & A Session - Board of Education discussion with Board (before Board's regular meeting) Council Chambers - Beck Building
Apr. 19- 23		School Break
Apr. 19	Mon 7:30 PM	Adoption of Budget and Recommended Appropriations Mansfield Senior Center - Arts & Crafts Room
Apr. 20	Tue 7:30 PM	Adoption of Budget and Recommended Appropriations (if necessary) Council Chambers - Beck Building
Apr. 21	Wed 7:00 PM	Public Information Session #2 Buchanan Auditorium - Mansfield Public Library
May 11	Tue 7:00 PM	Annual Town Meeting Mansfield Middle School Auditorium

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MEMO

1/22/10

To: 4 Corners Water/Sewer Advisory Committee
From: 4 Corners Water/Sewer Design Guidelines Subcommittee
Re: Recommended Design Guidelines for the 4 Corners Sewer District

A subcommittee composed of Rawn, Ferrigno & Spak, with assistance from Hultgren, Padick and Nesbitt met on January 12th to review aerial maps and information provided to the committee previously by Padick to try to arrive at a consensus as to what elements make sense for design guidelines for the 4 corners area as it develops after the installation of water and sewer systems.

The area map was divided into 3 areas of relatively contiguous properties that were most likely to develop in the near term (see areas A, B and C on the attached map). (These properties were identified in the committee's previous study of potential development.) The following design elements were identified as desirable for all of these areas:

1. Minimize curb cuts and promote interior connections between the properties.
 - a. In area A this would be between the properties
 - b. In area B this would involve combining several of the smaller properties
 - c. In area C1 this would involve using the old road, making connections behind the Grand Union to the Professional Park, and utilizing one or more R/W's to the south of CVS leading to Rte 195. In area C2, this would mean utilizing internal roadways.
2. Promote pedestrian walkways & streetscapes in the area.
 - a. Consider the walkway up 195 North to the Holiday Mall/Timber Drive area a high Town priority
 - b. Require walkways in all development/redevelopment proposals – all sides of 195 and 44, all properties.
 - c. Set standards for street lighting fixtures, benches and area signage such they are consistent for the area. Consider parking and internal area lighting standards as well.
3. Continue building orientation standards such that
 - a. There are no building set backs per se and buildings can be located right up to the edge of the streetscape/walkways.
 - b. Place parking in the rear of the buildings, and whenever possible allow no parking between the street and the buildings.
4. Establish building height standards that would allow taller buildings to be built in this area.
5. Develop "gateway" elements in three locations that will have common architectural elements and announce the gateway to UConn:
 - a. Route 44 near the Cedar Swamp brook crossing
 - b. Route 195 near the Cedar Swamp brook crossing
 - c. At the 44/195 intersection.

The subcommittee also reviewed the detailed design guidelines for the Storrs Center development which include (but are not limited to) trees, terraces, sidewalks, public squares, windows, roofs, building materials, building colors, building lighting, courtyards, etc., etc. and felt that this level of specificity would not be appropriate for the 4 corners design area. One exception to this is possibly requiring pitched roofs (except for buildings over a certain height), but there was no clear consensus on this. (Screened flat roofs were thought to be an OK approach by some members.)

It was noted in the subcommittee's discussions, that many of the site considerations (minimizing curb cuts, building orientation, access between properties) are already spelled out in the PZC's regulations. If the advisory committee can reach a clear consensus on the design elements that could be established in a 4 corners design district, then a future meeting/presentation with the Planning and Zoning Commission (PZC) would be appropriate.

attach: 4 corners aerial map

David Morse
64 Birchwood Hts.
Storrs, Connecticut 06268
(860) 429-6803
dmorse@david-morse.com

8 February 2010

Mansfield Town Council

Dear Council members and citizens of Mansfield,

This is to affirm my support for the proposed ordinances designed to protect the quality of life in residential neighborhoods. Staff have worked hard to craft tools to help address a problem that the Quality of Life committee has discussed for the past year: how to protect neighborhoods against a strong trend that favors the purchase of single-family homes by investors who pack them with renters, usually students. Whatever fine-tuning is required for these ordinances and other measures should be the subject of careful consideration, in the interests of fairness to all. In essence, though, the proposed protective measures are appropriate. Though I am a member of the Quality of Life committee, I want to be clear that I am offering these thoughts as an individual.

Here, in a nutshell, are the tools being proposed and their purpose: The recommended shift from "four unrelated people" to "three unrelated people" is an effort to blunt the profit motive driving the worst abuses. The requirements that students register and that adequate parking be designated are designed to allow town officials to monitor the number of tenants in a house, which has been a problem for the Zoning Agent to enforce. These three tools are thus complementary.

Now we have a backlash among landlords. That's understandable, and some of the opposition is founded not just in self-interest, but in idealism – a belief that "less government is better" and that Mansfield is adopting tactics more appropriate to a larger town. As a landlord myself for 36 years and one who raised some of those objections to the fees and requirements concerning water-testing and septic cleaning instituted three years ago, I would like to address the concerns of landlords in particular.

Mostly I want to say that we are all in this together, as citizens and landlords. By way of personal example, the proposed ordinance concerning three vs. four unrelated persons will hurt me financially. My wife and I own a four-bedroom house across the street. The new ordinance will restrict our ability to rent it to four students. If that is the price we have to pay for curbing the excesses of landlords who want to pack eight students into those four bedrooms, then that's okay. Not perfect, but okay. We want to live in a neighborhood, not a defacto undergraduate dorm.

To those who oppose the proposed ordinances on grounds of wanting Mansfield to remain a "small town," I ask you to consider the following. We are all faced with staggering economic pressures. The central fact is that UConn is growing quite beyond its earlier declared optimum size, and is consequently outgrowing its housing. The effects on Mansfield are immediate and serious – serious enough to require a change in our thinking from that of a laid-back small town to one of a vigilant community prepared equip itself with tools to prevent its own destruction.

Exactly how destructive this trend is cannot readily be appreciated until one has lived with it, as we have, in an older neighborhood within walking distance of the UConn campus. The issue is not just "party houses," which challenge the peace and civility of a neighborhood; it is the loss of neighborhood coherence that takes place when predominantly owner-occupied homes are taken over by absentee landlords trying to maximize profits.

Those who do not live in conspicuously vulnerable neighborhoods like ours may rationalize that this is simply the cost of UConn's expansion, and that their own neighborhoods are safe. However, as we have fielded complaints brought before the Committee on Quality of Life, it has become clear that these pressures are by no means confined to the neighborhoods surrounding the university. Any older neighborhood in Mansfield consisting of houses valued under \$300,000 is vulnerable.

I personally wish that President Mike Hogan would take some leadership on this issue. He could first of all declare an intended cap on UConn's student population. His silence simply fuels wild investment that assumes the growth is out of control, or driven – as many people believe – by UConn's own need for more tuition revenues in the form of more students. Second, he could commission a study, if none has been undertaken, aimed at understanding and mitigating the deleterious impact of UConn's growth on surrounding towns. Third, he could assume a higher profile in fostering good relations between students and neighborhoods. He has done none of these things, as far as I know. Consequently it seems to be up to the Town of Mansfield to defend itself.

To my fellow landlords, I say let's work together to help the Town fine-tune these ordinances in ways that achieve their aims without unduly punishing small landlords who are honest and not out to abuse the system.

Thank you.

A handwritten signature in dark ink, appearing to read "David Morse", with a long horizontal flourish extending to the right.

David Morse

Cc: Mike Hogan, President UConn

Town of Mansfield
Town Council
February 8, 2010

To The Members of the Town Council,

I am writing this letter to express my support to the proposition currently being weighed with respect to the changes in the existing housing code and the number of unrelated people allowed residing in a rental property. My understanding and therefore my support, comes from the fact that this proposition is intended to correct the potential of future blight and preserve the current integrity of existing residential neighborhoods. To my understanding, there is a "Grandfathering" for existing rental housing and that it would hold for the current list of rentals within the town. I support this as well since I don't feel that penalizing the landlords for purchases they have already made is appropriate. However, we do enter into an unusual argument based on the concept that if the Landlords rental income is restricted by government, it could be considered that their individual quality of life can be affected and in turn, the Landlord's right to earn income from their property can affect the quality of life for those people who exist in these aging neighborhoods that fall prey to the "income property" concept. This is very reminiscent of Joseph Heller's "Catch 22"

To summarize, I am very much in favor of limiting the number of people who can reside in future rental property (as in not currently existing as a rental unit by a date yet to be determined by you- the town council) in Mansfield. I think the University needs to rethink its student housing crisis....perhaps to the extent of limiting its growth. In 50 + years of being a Mansfield resident, I have seen the town change from rural to "faux-rural/urban sprawl" and seemingly caused by an entity that offers no benefits to the town other than possible gainful employment to some of the town's residents since it is not beholding to the town for taxes yet its very growth taxes our town.

Sincerely,



Thomas R Nielsen
41 Birchwood HTS
Storrs, CT 06268

PAGE
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February 8, 2010

TO: Mansfield Town Council

FROM: Cynara Stites
122 Hanks Hill Road

RE: Political signs on public property

Greg Padick provided information in your packet about proposed revisions to the Town's zoning regulations on political signs.

In the last seven years, the American Civil Liberties Union of Connecticut has made three requests to the Mansfield Planning & Zoning Commission to repeal the zoning ordinance that limits the size of political signs, the number of political signs, and the period of time political signs can be posted.

Political speech is afforded particular First Amendment protection because it helps preserve our democracy.

In response to the ACLU-CT's most recent "request," Greg Padick and Attorney Dennis O'Brien are recommending deletion of the zoning regulation that limits on the number of signs, size of signs, and period of time the signs may be displayed. This is a victory for freedom of speech. The ACLU will be happy.

Political signs on public property

However, tonight, I want to focus on the part of that zoning regulation that prohibits political signs on public property.

I am bringing this to the Town Council because Greg Padick noted that the Town Council has the authority to make a policy that authorizes political signs on Town property.

Greg's two alternatives for wording the zoning regulation have the same effect: prohibiting political signs on a road right-of-way and outside of polling stations on election day.

1. One proposal is to re-insert the current language in this zoning regulation that states: "*Political signs shall not be located on public property, including street rights-of-way.*"
2. The alternative proposal would be to just *require that property owners give permission for posting political signs.*

Greg Padick says: The alternative "approach would effectively, if less expressly, prohibit political signs on Town property unless the Town Council, Mansfield's legislative body, establishes policy that authorizes such signage."

Please allow political signs on public property in two circumstances:

I believe that there are two circumstances when it is in the interests of the Town and the residents for the Town to allow political signs on public property:

1) Political signs may be posted on a road right-of-way with the permission of the private property owner whose property fronts on the road as long as the signs do not block drivers' line of vision.

2) Political signs may be posted at least 100 feet away from polling sites on election days.

Rationale for Cynara's proposals:

It seems to me that prohibiting political signs in front of houses and in front of polling stations would effectively prohibit political signs altogether.

The Town's prohibition of posting political signs on the Town's right-of-way effectively prevents property owners like me from posting any political signs in front of our properties because we have stone walls abutting the Town's right-of-way. Signs posted behind the Town's right-of-way may not be invisible on our dark, rural roads.

It seems to me that the most appropriate, desirable, and visible locations for political signs are in front of people's homes on the Town's right-of-way and outside the polls on election days.

Nobody will mistake political signs in front of people's houses as expressions of the Town government's point-of-view . . . just as nobody mistakes the political signs posted outside polling places on election day as expressions of the Town government's point-of-view.

I believe that the Town has more interest in encouraging voter participation in elections than in worrying about the remote possibility that political signs might have negative effects on "*neighborhoods*" and "*preserving Mansfield's scenic character*," or that political signs might create "*potential litter*."

Political speech should trump pristine landscapes any time.

The Town should be looking for ways to promote more – not less – political speech.

I am not bothered when I see a lot of political signs.

To the contrary, I am distressed when there are so few political signs that you can drive around town without realizing there is an upcoming election.

I say: The more political signs, the better.

I believe that it's in the Town's interest to expand the number of places where political signs can be posted in order to increase residents' awareness of elections, particularly local elections.

As you know, several budget referenda have failed to pass in Mansfield because less than 2% of registered voters turned out to vote "yes."

I urge the Town Council to use your authority to make a Town policy that permits political signs on the Town's right-of-way and outside polling stations on election day.

Please do this before the PZC finalizes its zoning regulation changes.

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CONNECTICUT FEDERATION OF PLANNING AND ZONING AGENCIES QUARTERLY NEWSLETTER

Winter 2010

Volume XIV, Issue 1

APPLICANT'S STATEMENT CAN BE A CONDITION OF APPROVAL

During a hearing on a variance application, the applicant stated to the Board that the proposed garage would not exceed a certain height. The variance was needed because the garage would impermissibly intrude into a sideyard setback. A neighbor was concerned that the new structure would block too much light – hence the concession by the applicant to not build beyond a certain height. The variance was approved without written conditions as to height.

Sometime later, it was revealed that the garage as built exceeded the height limit. Since no written condition was attached to the variance and the height of the garage did not exceed the permitted height for the zone, the applicant believed his structure could remain as is.

An enforcement action ensued which found its way to court. The Court found that the statements made by the applicant to the Board, while only verbal, amounted to conditions attached to the variance approval and must be followed. Thus, the garage was in violation of the promised height restriction. *See Antara v. ZBA, 47 Conn. L. Rptr. 857 (2009).*

NO HARDSHIP IF PROPERTY COULD BE PUT TO A PERMITTED USE EVEN IF IT'S LESS PROFITABLE

An owner of a commercially zoned parcel sought setback variances so that the use of the property could be changed from one business use to another. When the variances were granted, an appeal to court followed.

The trial court correctly ruled that since the property was already being used for a permitted use without the variances, there was no hardship worthy of requiring the issuance of a variance. Any hardship was financial in nature – allowing the owner to reap a better return on his investment. *See Guendelsberger v. ZBA, 47 Conn. L. Rptr. 291 (2009)*

REDUCING A NONCONFORMITY NOT ALWAYS A GOOD REASON TO ISSUE A VARIANCE

An applicant for a variance to reduce the required front yard setback for a lot in order to construct a garage offered to combine the lot with the adjoining lot where his house was located. The two lots were nonconforming as to size. Based on the rationale that a nonconformity would be

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CONNECTICUT FEDERATION OF PLANNING AND ZONING AGENCIES QUARTERLY NEWSLETTER

Winter 2010

Volume XIV, Issue 1

reduced, the application was approved. A reviewing court found that the variance was issued improperly as the lot merger was not really connected to the setback issue. *See Lavoie v. ZBA, 48 Conn. L. Rptr. 611 (2010).*

ANNOUNCEMENTS

62nd Annual Conference

Set aside the evening of March 18, 2010 so that your land use agency can attend this year's annual conference. This conference will be held at the Aqua Turf Country Club where a fine dinner will be served, conversations with other land use agency members will take place and an interesting presentation and discussion offered. In addition, this is an opportunity to satisfy any training requirements that municipalities may have for commission and board members. This year, we will discuss green development and how local zoning and subdivision regulations can encourage planet friendly land use. A flyer and registration form will be mailed to all member agencies with the price per person to attend set at \$40.00.

Length of Service Award

Nomination forms for this award will be sent out soon to all member agencies. In order to be eligible for the

award, a person must have served 12 continuous years as a member of a zoning agency. Please return all nomination forms by March 12, 2010.

Lifetime Achievement Award

This award is available to any person who has served at least 25 years in the area of land use, either as a member of a zoning agency or as staff or advisor to a zoning agency. Nomination forms will be sent to all members. In order to receive proper consideration, a nomination must be submitted by March 12, 2010.

Membership Dues

Invoices for next year's annual membership dues will be mailed March 1, 2010. The amount of the membership fee will remain the same. The Federation is a nonprofit organization which operates solely on the funds provided by its members. So that we can continue to offer the services you enjoy, please pay as soon as you can.

ABOUT THE EDITOR

Steven Byrne is an attorney with an office in Farmington, Connecticut. A principal in the firm of Byrne & Byrne, he maintains a strong focus in the area of land use law and is available for consultation and representation in all land use matters both at the administrative and court levels.

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Winter 2010

Volume XIV, Issue 1

A GENERAL REQUIREMENT CAN BE THE SOLE BASIS FOR A DENIAL OF A SUBDIVISION APPLICATION

In a case involving a subdivision application, the Appellate Court of this State drastically changed the law in regard to when a planning commission can deny a subdivision application. The prior rule was that a general standard or requirement contained in subdivision regulations could not be the sole basis for a denial of an application.

In *Jackson Inc. v. PZC, 118 Conn. App. 202 (2009)*, a developer's application to subdivide its land was denied solely on the basis that it did not satisfy a general requirement in the subdivision regulations that the land be 'suitable for development'. The regulation in question lists several general criteria such as flooding, improper drainage, steep slopes and rock formations as factors to be considered in determining whether the land to be subdivided is suitable. In this case, the property in question had several of the criteria.

In sustaining the decision of the commission, the court found this general requirement 'reasonably precise' enough to guide the commission in the exercise of its discretion. I would imagine that

the State Supreme Court may want to hear this case.

SIDEWALKS ALONG EXISTING ROAD CAN'T BE REQUIRED AS PART OF SUBDIVISION APPROVAL

Such was the ruling of the State Supreme Court in a case which involved a developer's appeal of a condition attached to its subdivision approval. The proposed subdivision would not create any new roads. Instead, all newly created lots would front on an existing public highway. When it approved the subdivision application, the commission attached a condition that a sidewalk be installed along the public highway adjoining the proposed subdivision.

The successful appeal was based upon the factual finding that the area where the sidewalks were to be installed was within the public right of way. Since the subdivided land did not include this right of way area adjacent to the public highway, the Court found that the condition actually required an off-site improvement – something not permitted by section 8-25 of the General Statutes. Thus, the condition was beyond the authority of the commission to impose. See *Buttermilk Farms LLC v. PZC, 292 Conn. 317 (2009)*.

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Farmington CT 06032



Mansfield Planning & Zoning Commission
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